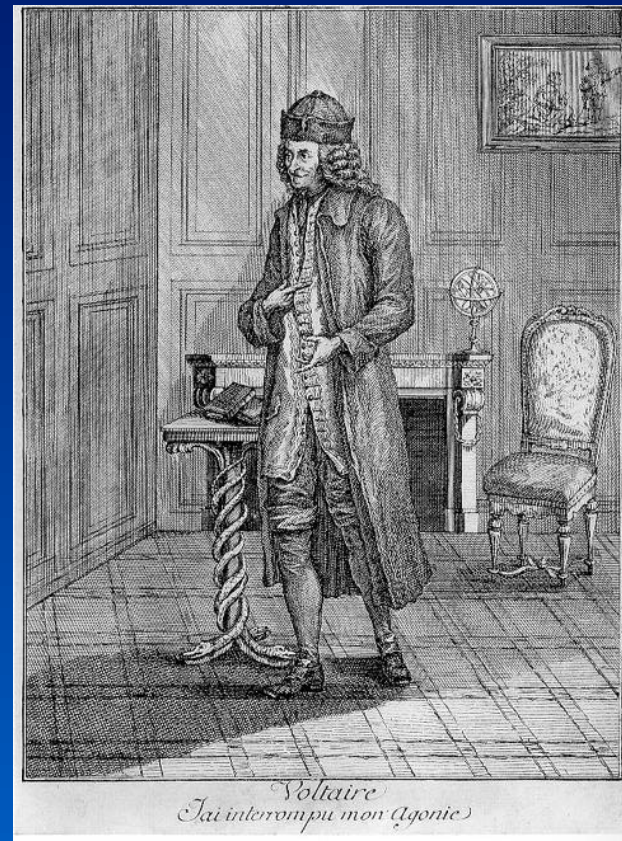


The Need for ADR

“I have been ruined only twice in my life: once when I lost a lawsuit; and once when I won.”

- Voltaire



The Need for ADR



Types of Training

- How to be an advocate (for practitioners/lawyers)
- How to use ADR (for program managers)
- How to be a neutral (for counselors/investigators)

Lectures

- Reduce number of lectures
- Reduce length of lectures (45 minutes max.)
- Vary lecturers
- Choose lecturers with credibility for your audience

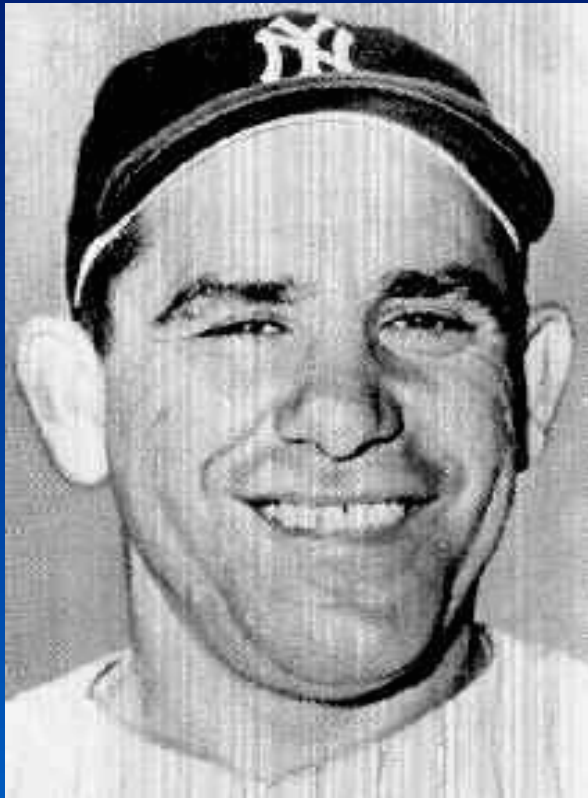
Interactive Exercises

- Energize the group
- Some grumbling, but most really like them
- Ostrich exercise
- Oil pricing exercise: www.pon.org

Roleplays

- Most persuasive part of program
- Tailor them to your audience
- Use real mediators
- Fishbowl demonstration

Persuading Skeptics



“If people don’t want to come out to the ballpark, nobody’s going to stop them.”

Persuading Skeptics

- Start modestly, don't overpromise
- Use success stories
- When skeptics reach critical mass
 - Answer their questions, even if you go off schedule
 - Be candid to increase your credibility
 - View questions as opportunities to persuade, like with a judge

Sample Agenda, Day One

- 9:15 - 9:30 Welcome and Introduction
- 9:30 -10:30 Interest-Based Negotiations and Ostrich Exercise
- 10:30-10:45 Break
- 10:45-11:15 Limitations of Unassisted Negotiation
- 11:15-11:45 Range of ADR Processes
- 11:45-12:00 Department Policy on Binding Arbitration

Sample Agenda, Day One

- 12:00- 1:30 Lunch
- 1:30 - 2:00 Selecting and Hiring the Neutral
- 2:00 - 3:00 Should ADR Be Used
- 3:00 - 3:15 Break
- 3:15 - 4:45 Oil Pricing Exercise
- 4:45 Recess

Sample Agenda, Day Two

- 9:15 - 9:45 Client Preparation for ADR
- 9:45 -10:15 Advocate Preparation for ADR
- 10:15-10:30 Break
- 10:30-11:30 Ethics

Sample Agenda, Day Two

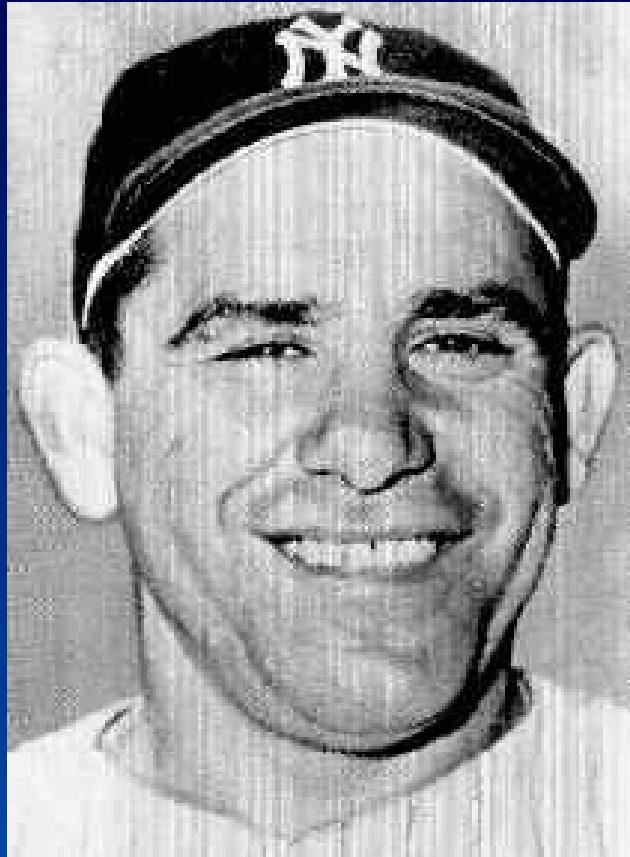
- 11:30-12:45 Lunch
- 12:45- 3:45 Roleplay
- 3:45 - 4:15 Roleplay debriefing
- 4:15 - 4:30 Seminar Wrap-up/Adjournment

Materials

- A guide to pull off the shelf the day before a mediation
- Reference materials for in-depth questions
- Checklists for client and advocate/attorney preparation
- Tips for advocates

Evaluations

- Valuable in tailoring course (Fishbowl)
- Ask for 1-5 ratings and comments
- Sometimes contradictory
- Sometimes amusing (Stadtmueller, Janet Leigh)



“If you don’t know where you’re going,
you may end up someplace else.”